

REMARKS

Reconsideration of the above identified application is respectfully requested.

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 112, second paragraph, as being indefinite with the Examiner taking the position that the claims states the vacuum tank is connected to the cavity via an exhaustion channel but that the parent of claims 2 and 3 states that the “air and/or fluid inside the cavity is exhausted directly by said vacuum apparatus without passing through any vacuum lines or conduits.” To rectify this rejection, claim 2 has been amended to delete the phrase “and said vacuum tank is connected to said cavity via an exhaustion channel.” Accordingly it is believed that the rejection under 35 U.S.C. § 112 has been obviated.

The Examiner also rejected claims 1-4 under 35 U.S.C. § 103 (a) as being unpatentable over Ozeki (4,997,026) in view of Lebensfeld (5,453,000). In this rejection the Examiner substituted the new reference to Ozeki for the prior reference Osada et al. (5,603,879). In essence the Examiner has substituted the new reference Ozeki for the formally used reference Osada et al.

It is respectfully pointed out that Ozeki is no better a reference than Osada et al. The Examiner takes the position that Ozeki teaches a gas venting apparatus for a molding apparatus where a vacuum apparatus (100; gas venting device) is within die apparatus (1) in a close proximity to the cavity (4) and circumferentially above the cavity (Fig. 1) and air is exhausted directly by the vacuum apparatus, a valve (106) is provided for opening and closing of the passage of the exhaustion channel, the exhaustion channel being the channel that leaves from the chamber (13) towards the exhaustion channel, or exhaust port (110).

It is respectfully pointed out that Ozeki does not teach such an apparatus. In Ozeki the vacuum system is not shown. See column 4, lines 55-59 where Ozeki points out “thus, air and/or gases within the cavity 4, vent passage 12, chamber 13, and passages 14-14 are evacuated by means of the vacuum system (not shown).” Accordingly Ozeki is no different than Osada et al. where the vacuum tank (45) is outside the apparatus, not circumferentially above the mold cavity. It is also respectfully pointed out in Ozeki what the Examiner claims to be a vacuum is not disposed circumferentially above the mold cavity but is off to one side. See Fig. 1. Claim 1 requires both that the vacuum tank is disposed within the die apparatus in close proximity to the

cavity and that it be circumferentially above the mold cavity. No such teaching or suggestion is contained in Ozeki.

Ozeki, column 7, lines 3-6 also points out that the gases are vented through passage 12, chamber 13, detour passages 14-14, inlet 108 and exhaust port 110 which is shown exiting to the outside, presumably to the vacuum tank, not shown, which must be outside of the apparatus. Therefore, Ozeki clearly teaches having the vacuum tank exterior of the mold apparatus.

Lebensfeld was cited for teaching a molding apparatus wherein the mold (80) is in close proximity to the vacuum tank (61) (Fig. 14-18) and the pump is located inside the housing (12) of the apparatus along the with the mold (80) Lebensfeld also does not teach or suggest having a vacuum tank disposed within the die apparatus in close proximity to the cavity and circumferentially above the cavity. Accordingly, Ozeki and/or Lebensfeld teach or suggest that which is positively recited in claim 1.

Accordingly it is believed that the rejection under 35 U.S.C. § 103(a) cannot be maintained and allowance of this application is respectfully requested.


Entry of this amendment is requested as it places the claims in better form for appeal as the amendment obviates a rejection under 35 U.S.C. § 112.

CONCLUSION

Please credit or debit any other fees associated with this application to Deposit Account No. 03-0520.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,
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